

RE: Adoption of New Inland Shellfish Program

The Utah Department of Agriculture and Food (UDAF) is proposing to adopt a new rule which will be known as the "**Utah Inland Shellfish Program**". This new rule will incorporate by reference the National Shellfish Sanitation Program's Model Ordinance. The adoption of this rule will allow certified shellfish shippers, dealers, and handlers in the State of Utah to ship shellfish across state lines.

Recently, there have been shipments of shellfish from Utah to other states that were refused because Utah does not have an inland shellfish program. We are adopting this program at the request of industry and to promote interstate commerce. Some informational pages of the Model Ordinance upon which the Utah Inland Shellfish Program will be based, are enclosed. The entire Model Ordinance can be obtained from the Internet: <http://www.cfsan.fda.gov/~ear/nss2-toc.html>.

As part of this new program, all shellfish shippers, dealers, and handlers who wish to participate will need to be certified and have a current HACCP program. UDAF will train its staff to meet the requirements to participate in this program and will work closely with each firm to help and direct them through the process. This will be a voluntary program, participation will not be mandatory; however, those who do not participate will be limited to intra-state sales of products. In addition, consideration should be given to the food safety and security component which is part of this proposed rule.

There will be fees associated with the administration of the program. The fees will be paid by the participants in the program. We are moving forward as fast as possible to fulfill this need. Additional information concerning the adoption of the rule, public comment, administrative fees, protocol and interface with neighboring states, will be provided as soon as it is available.

Please contact H. Douglas Pearson or Rebecca Nielsen at the Utah Department of Agriculture and Food, Division of Regulatory Services, PO Box 146500, Salt Lake City, Utah 84114-6500, or by calling (801) 538-7124 to express your interest in the program.

Sincerely,

H. Douglas Pearson
Food Program Supervisor

R70. Agriculture and Food, Regulatory Services.

R70-550. Utah Inland Shellfish Safety Program.

R-70-550-1. Authority.

This rule is promulgated by the Division of Regulatory Services, within the Department of Agriculture and Food under authority of Section 4-5-17.

R70-550-2. Adopt by Reference.

Adoption of USPHS Ordinance; National Shellfish Safety Program, Model Ordinance. The Interstate shellfish shipper model ordinance: 2003 edition Recommendations of the United States Public Health Service/Food and Drug Administration, is hereby adopted and incorporated by reference within this rule.

KEY: Interstate Shell Fish Safety

4-5-17